

MELINDA HAAG (CABN 132612)  
United States Attorney

MIRANDA KANE (CABN 150630)  
Chief, Criminal Division

ANDREW M. SCOBLE (CABN 124940)  
Assistant United States Attorney  
450 Golden Gate Ave., Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7200  
Fax: (415) 436-7234  
E-Mail: andrew.scoble@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
RENO DEVORE,  
Defendant.

No: CR 11-0208 EMC  
CR 01-0344 EMC

[PROPOSED] ORDER EXCLUDING  
TIME FROM SPEEDY TRIAL ACT  
COMPUTATION

Following their reassignment to this Court, on June 14, 2011 these related cases came on for further status hearing and for hearing on defense counsel's motion to withdraw. The defendant was represented by Erick L. Guzman, Esq., and the government was represented by Assistant U.S. Attorney Andrew M. Scoble. The Court held a hearing in open court and also pursued discussions with defense counsel and the defendant ex parte. The Court determined that there exist irreconcilable differences between current defense counsel and the defendant, and so granted the motion to withdraw, contingent upon appointment of new CJA counsel. The Court is taking under advisement the defendant's request for a transfer to Dublin. The Court also

1 indicated to the defendant that, should he insist on representing himself following the  
 2 appointment of new counsel, further proceedings on that issue will be necessary in light of, inter  
 3 alia, the report of Dr. Burstein, which had been ordered by United States District Judge Marilyn  
 4 Hall Patel.

5 The Court therefore set the matter over to June 17, 2011 at 9:30 a.m. before U.S.  
 6 Magistrate Judge Elizabeth D. Laporte for identification of new defense counsel, and set the  
 7 matter over to June 22, 2011 for further status. The Court made findings and excluded time  
 8 through and including June 17, 2011, from the otherwise applicable Speedy Trial Act  
 9 computation, based on the need for continuity of counsel (pursuant to 18 U.S.C. § 3161(h)(7)), as  
 10 well as on the pending motion of defense counsel to withdraw (pursuant to 18 U.S.C.  
 11 § 3161(h)(1)(D)). The defendant agreed in open court to the exclusion of time from the  
 12 otherwise applicable Speedy Trial Act computation.

13 Accordingly, THE COURT FINDS THAT the ends of justice served by granting a  
 14 continuance from June 14, 2011 through and including June 17, 2011 outweigh the best interests  
 15 of the public and the defendant in a speedy trial, because failure to do so would unreasonably  
 16 deny the defendant continuity of counsel. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

17 THE COURT FURTHER FINDS THAT the period from May 5, 2011 (the date on which  
 18 defense counsel filed his motion to withdraw as counsel) through and including June 17, 2011  
 19 (the date on which that motion shall be deemed effectively granted, contingent upon the  
 20 appointment of new CJA counsel) is excluded from the otherwise applicable Speedy Trial Act  
 21 computation pursuant to 18 U.S.C. § 3161(h)(1)(D).

22 THE COURT THEREFORE ORDERS THAT the period from May 5, 2011 through and  
 23 including June 17, 2011 is excluded from the otherwise applicable Speedy Trial Act computation  
 24 pursuant to 18 U.S.C. §§ 3161(h)(1)(D) and (h)(7)(A) & (B)(iv).

25 IT IS SO ORDERED.

26  
 27 DATED: 6/20/11

28  
 ORDER EXCLUDING TIME

